

REMARKS

The Office Action of September 26, 2005 has been carefully reviewed and considered. Applicant acknowledges the Examiner's withdrawal of the rejection under 35 U.S.C. §102(b) in the previous Office Action. It is respectfully submitted that no new matter has been introduced by the amended and added claims. All claims are now present for examination in view of the accompanying remarks.

Rejection under 35 U.S.C. §102(b)

The Examiner rejected claim 11 under 35 U.S.C. §102(b) as being anticipated by EP 609630 (CAPLUS abstract) discloses a compound RN=157563-59-2 which disclosed a compound where $X=N$, $R^1=H$, $2xR^2=H$, $1xR^2$ =straight chain C_3 alkyl substituted by carboxyl and amino; $R^3=H$ and $Z=F$. The Examiner rejected claim 22 as being dependent on a rejected claim, but stated it would be allowable if rewritten in independent form. The Applicant has amended claim 11 so it now recites that the Markush group defining R^3 does not contain a hydrogen (H) group, which renders the rejections to claim 11 and 22 moot. Applicant respectfully requests that the rejections be withdrawn in view of the amendment.


Appl. No. 09/857,465
Reply to Office Action of September 26, 2005

Applicant believes that all rejections have been properly overcome and the claims as amended are in condition for allowance. If there are any questions, the Examiner is invited to call the attorney at 202-638-6666. Entry of the amendment and reconsideration is respectfully requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: December 19, 2005
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
MRS/JGC/gm
Atty. Dkt. No.: P66645US0

By 
Joseph G. Contrera
Registration No. 44,628

R:\Home\SHARED\JGC\P66645US0-Reply-OA 9-26-05.doc